



UNITED STATES PATENT AND TRADEMARK OFFICE

Chu

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,321	09/08/2003	Tetsuya Onishi	KOY-0011	1189

23413 7590 01/22/2007
CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

EXAMINER

RANGREJ, SHEETAL

ART UNIT	PAPER NUMBER
----------	--------------

3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/657,321

Applicant(s)

ONISHI, TETSUYA

Examiner

Sheetal R. Rangrej

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/08/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

Prosecution History Summary

- Claims 1-16 are pending.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "51", "56", "57", and "59" have all been used to designate "medical image generating apparatus" (Figure 1 and Figure 3); and reference characters "54" and "60" have both been used to designate "image storage apparatus" (Figure 1 and Figure 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

2. Claims 1, 7, and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 3-6 of copending Application No. 10/657,381. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications claim:

Art Unit: 3626

receiving a medical image from a medical generating apparatus; displaying the medical image; communication with medical standard network protocol; and an image storage apparatus.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Godlewski et al. (U.S. Patent No. 5,270,530).

5. As per claim 1, Godlewski teaches an image information processing apparatus capable of receiving a medical image and accompanying information on the medical image from each of a plurality of medical image generating apparatuses, and outputting the medical image and the accompanying information to each of a plurality of output apparatuses (col. 3, ln 58-col. 4, ln 1), the apparatus comprising:

- a. An image display for displaying the medical image and the accompanying information received (col. 3, ln 67-col. 4, ln 1; col. 7, ln 2-5);
- b. A storage for determining and storing at least one of a first editing method for editing the accompanying information for each of the plurality of

medical image generating apparatuses (col. 4, ln 1-3) and a second editing method for editing the accompanying information for each of the plurality of output apparatuses (col. 4, ln 48-51);

c. An editing section comprising at least one of a first editing section for editing the accompanying information outputted from each of the plurality of medical image generating apparatuses in the first editing method stored before displaying the accompanying information on the image display (col. 4, ln 47-48) and a second editing section for editing the accompanying information in the second editing method stored after displaying the accompanying information on the image display before outputting the accompanying information to each of the plurality of output apparatuses (col. 6, ln 64-66).

6. As per claim 2, the apparatus of claim 1 is as described above. Godlewski further teaches wherein the plurality of output apparatuses include an image storage apparatus (col. 7, ln 65-col. 8, ln 1) and an image observation apparatus (col. 7, ln 2-5).

7. As per claim 3, the apparatus of claim 1 is as described above. Godlewski further teaches wherein the plurality of output apparatuses include a plurality of image storage apparatuses (col. 7, ln 65-col. 8, ln 1) and a plurality of image observation apparatuses (col. 7, ln 2-5). In light of the specification, the examiner interprets that more than one storage and observation apparatuses must be available since more than one physician or radiologist will view or store the image.

Art Unit: 3626

8. As per claim 4, the apparatus of claim 1 is as described above. Godlewski further teaches wherein the editing includes at least one of changing (col. 8, ln 15-16).

9. As per claim 5, the apparatus of claim 1 is as described above. Godlewski further teaches wherein the accompanying information includes at least one of examination information (col. 4, ln 8-9).

10. As per claim 6, the apparatus of claim 1 is as described above. Godlewski further teaches wherein an item and content of the accompanying information as an object of the editing are obtained from an external information management apparatus storing' patient information, examination information and order information (col. 4, ln 29-44).

11. As per claim 7, the apparatus of claim 1 is as described above. Godlewski further teaches where in communication with the plurality of medical image generating apparatuses and the plurality of output apparatuses is carried out based on a medical standard network protocol (col. 7, ln 22-25).

12. As per claim 8, the apparatus of claim 1 is as described above. Godlewski further teaches comprising a determining section for determining whether to edit the accompanying information for each of the plurality of output apparatuses or not (col. 7, ln 34-39).

13. As per claim 9, Godlewski teaches a medical network system, comprising:

- a. An image information processing apparatus (col. 3, ln 58-col. 4, ln 1);

Art Unit: 3626

- b. A plurality of medical image generating apparatuses each of which sends a medical image and accompanying information on the medical image to the image information processing apparatus (col. 4, ln 29-51);
- c. The image information processing apparatus comprising:
 - a. An image display for displaying the medical image and the accompanying information received (col. 3, ln 67-col. 4, ln 1; col. 7, ln 2-5).
 - b. A storage for determining and storing at least one of a first editing method for editing the accompanying information for each of the plurality of medical image generating apparatuses (col. 4, ln 1-3) and a second editing method for editing the accompanying information for each of the plurality of output apparatuses (col. 4, ln 48-51);
 - c. An editing section comprising at least one of a first editing section for editing the accompanying information outputted from each of the plurality of medical image generating apparatuses in the first editing method stored before displaying the accompanying information on the image display (col. 4, ln 47-48) and a second editing section for editing the accompanying information in the second editing method stored after displaying the accompanying information on the image display before outputting the accompanying information to each of the plurality of output apparatuses (col. 6, ln 64-66).

Art Unit: 3626

14. As per claim 10, the system of claim 9 is as described above. Godlewski further teaches wherein the plurality of output apparatuses include an image storage apparatus (col. 7, ln 65-col. 8, ln 1) and an image observation apparatus (col. 7, ln 2-5).

15. As per claim 11, the system of claim 9 is as described above. Godlewski further teaches wherein the plurality of output apparatuses include a plurality of image storage apparatuses (col. 7, ln 65-col. 8, ln 1) and a plurality of image observation apparatuses (col. 7, ln 2-5). In light of the specification, the examiner interprets that more than one storage and observation apparatuses must be available since more than one physician or radiologist will view or store the image.

16. As per claim 12, the system of claim 9 is as described above. Godlewski further teaches wherein the editing includes at least changing (col. 8, ln 15-16).

17. As per claim 13, the system of claim 9 is as described above. Godlewski further teaches wherein the accompanying information includes at least one of examination information (col. 4, ln 8-9).

18. As per claim 14, the system of claim 9 is as described above. Godlewski further teaches wherein an item and content of the accompanying information as an object of the editing are obtained from an external information management apparatus storing patient information, examination information and order information (col. 4, ln 29-44).

19. As per claim 15, the system of claim 9 is as described above. Godlewski further teaches where in communication with the plurality of medical image generating

Art Unit: 3626

apparatuses and the plurality of output apparatuses is carried out based on a medical standard network protocol (col. 7, ln 22-25).

20. As per claim 16, the system of claim 9 is as described above. Godlewski further teaches comprising a determining section for determining whether to edit the accompanying information for each of the plurality of output apparatuses or not (col. 7, ln 34-39).

Contact


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheetal R. Rangrej whose telephone number is 571-270-1368. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Nolan can be reached on 571-272-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRR


MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600